

INITIATIVE 891

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 891 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to prohibiting smoking in public places where
2 minors are allowed; amending RCW 70.160.030, 70.160.040, 70.160.050,
3 70.160.060, and 70.160.080; and creating new sections.

4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

5 LEGISLATIVE INTENT

6 NEW SECTION. **Sec. 1.** The people recognize that kids who are
7 exposed to smoking are much more likely to smoke. In order to protect
8 the health and welfare of our children, it is necessary to limit their
9 exposure to smoking in public places. This measure would prohibit
10 smoking in public places where minors are allowed. Minors are persons
11 under the age of eighteen. The measure would also require local
12 governments to abide by state law concerning smoking.

13 PROHIBITING SMOKING IN PUBLIC PLACES WHERE MINORS ARE ALLOWED

14 **Sec. 2.** RCW 70.160.030 and 1985 c 236 s 3 are each amended to read
15 as follows:

1 No person may smoke in a public place where minors are allowed
2 except in designated smoking areas where minors are not allowed. For
3 the purposes of this act, "minors" mean persons under the age of
4 eighteen.

5 **Sec. 3.** RCW 70.160.040 and 1985 c 236 s 4 are each amended to read
6 as follows:

7 (1) A smoking area may be designated in a public place by the owner
8 or, in the case of a leased or rented space, by the lessee or other
9 person in charge except in:

10 (a) Elevators; buses, except for private hire; streetcars; taxis,
11 except those clearly and visibly designated by the owner to permit
12 smoking; public areas of retail stores and lobbies of financial
13 institutions; office reception areas and waiting rooms of any building
14 owned or leased by the state of Washington or by any city, county, or
15 other municipality in the state of Washington; museums; public meetings
16 or hearings; classrooms and lecture halls of schools, colleges, and
17 universities; and the seating areas and aisle ways which are contiguous
18 to seating areas of concert halls, theaters, auditoriums, exhibition
19 halls, and indoor sports arenas; and

20 (b) Hallways of health care facilities, with the exception of
21 nursing homes, and lobbies of concert halls, theaters, auditoriums,
22 exhibition halls, and indoor sports arenas, if the area is not
23 physically separated. Owners or other persons in charge are not
24 required to incur any expense to make structural or other physical
25 modifications in providing these areas.

26 Except as provided in other provisions of this chapter, no public
27 place, other than a bar, tavern, bowling alley, tobacco shop, or
28 restaurant, may be designated as a smoking area in its entirety if
29 minors are allowed. If a bar, tobacco shop, or restaurant is
30 designated as a smoking area in its entirety, this designation shall be
31 posted conspicuously on all entrances normally used by the public.

32 (2) Where smoking areas are designated, existing physical barriers
33 and ventilation systems shall be used to minimize the toxic effect of
34 smoke in adjacent nonsmoking areas.

35 (3) Managers of restaurants who choose to provide smoking areas
36 shall designate an adequate amount of seating to meet the demands of
37 restaurant patrons who wish to smoke. Owners of restaurants are not
38 required to incur any expense to make structural or other physical

1 modifications in providing these areas. Restaurant patrons shall be
2 informed that separate smoking and nonsmoking sections are available.

3 (4) Except as otherwise provided in this chapter, a facility or
4 area may be designated in its entirety as a nonsmoking area by the
5 owner or other person in charge.

6 **Sec. 4.** RCW 70.160.050 and 1985 c 236 s 5 are each amended to read
7 as follows:

8 Owners, or in the case of a leased or rented space the lessee or
9 other person in charge, of a place regulated under this chapter shall
10 make every reasonable effort to prohibit smoking in public places where
11 minors are allowed by posting signs prohibiting or permitting smoking
12 as appropriate under this chapter. Signs shall be posted conspicuously
13 at each building entrance. In the case of retail stores and retail
14 service establishments, signs shall be posted conspicuously at each
15 entrance and in prominent locations throughout the place. The boundary
16 between a nonsmoking area and a smoking permitted area shall be clearly
17 designated so that persons may differentiate between the two areas.

18 **Sec. 5.** RCW 70.160.060 and 1995 c 369 s 60 are each amended to
19 read as follows:

20 This chapter is not intended to regulate smoking in a private
21 enclosed workplace, within a public place, even though such workplace
22 may be visited by nonsmokers, excepting places in which smoking is
23 prohibited because minors are allowed or is prohibited by the chief of
24 the Washington state patrol, through the director of fire protection,
25 or by other law, ordinance, or regulation.

26 **REQUIRING LOCAL GOVERNMENTS TO ABIDE BY STATE LAW**
27 **CONCERNING SMOKING**

28 **Sec. 6.** RCW 70.160.080 and 1985 c 236 s 9 are each amended to read
29 as follows:

30 (1) Local fire departments or fire districts and local health
31 departments may adopt regulations as required to implement this
32 chapter.

33 (2) Nothing in the chapter allows a city, town, county, or other
34 local governmental entity from adopting ordinances that conflict with
35 state law regarding smoking in public places situated within its

1 jurisdiction. Local governments must abide by state law concerning
2 smoking.

3 **CONSTRUCTION CLAUSE**

4 NEW SECTION. **Sec. 7.** The provisions of this act are to be
5 liberally construed to effectuate the policies, purposes, and intent of
6 this act.

7 **PART HEADINGS NOT LAW**

8 NEW SECTION. **Sec. 8.** Part headings used in this act are not any
9 part of the law.

10 **SEVERABILITY CLAUSE**

11 NEW SECTION. **Sec. 9.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

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